

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 543

Introduced by Synowiecki, 7

Read first time January 17, 2007

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to safety regulations; to amend sections
2 48-418, 48-2501, 48-2503, 48-2506, 48-2507, 48-2508,
3 and 48-2512, Revised Statutes Cumulative Supplement,
4 2006; to repeal conveyance regulation for certain
5 counties; to eliminate a fund and penalties; to harmonize
6 provisions; to provide an operative date; to repeal
7 the original sections; and to outright repeal sections
8 48-418.01, 48-418.02, 48-418.03, 48-418.05, 48-418.06,
9 48-418.07, 48-418.08, 48-418.10, 48-418.11, 48-418.12,
10 and 48-418.14, Reissue Revised Statutes of Nebraska,
11 and sections 48-418.04, 48-418.09, and 48-2505, Revised
12 Statutes Cumulative Supplement, 2006.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2501, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 48-2501 Sections 48-2501 to 48-2533 and section 2 of this
4 act shall be known and may be cited as the Conveyance Safety Act.

5 Sec. 2. Section 48-418, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 ~~48-418~~ The Commissioner of Labor shall, ~~on or before the~~
8 ~~first day of July 1965,~~ appoint a state elevator inspector, subject
9 to the approval of the Governor, who shall work under the direct
10 supervision of the commissioner. The state elevator inspector
11 serving on the operative date of this act shall continue to
12 serve unless removed by the commissioner. The person so appointed
13 shall be qualified by (a) not less than five years' experience
14 in the installation, maintenance, and repair of elevators as
15 determined by the commissioner, (b) certification as a qualified
16 elevator inspector by an association accredited by the American
17 Society of Mechanical Engineers, or (c) not less than five years'
18 journeyman experience in elevator installation, maintenance, and
19 inspection as determined by the Commissioner of Labor and shall
20 be familiar with the ~~inspection process provided by the Nebraska~~
21 ~~Elevator Code provided under section 48-418.12 and the inspection~~
22 process and rules and regulations adopted and promulgated under the
23 Conveyance Safety Act. The commissioner, subject to the approval
24 of the Governor, may appoint deputy inspectors possessing the
25 same qualifications as the state elevator inspector. A qualified

1 individual may apply for the position of inspector or deputy
2 inspector and such application shall include the applicant's social
3 security number, but such social security number shall not be a
4 public record.

5 Sec. 3. Section 48-2503, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 48-2503 (1) The Conveyance Advisory Committee is created.
8 One member shall be the state elevator inspector appointed pursuant
9 to section ~~48-418. 2~~ of this act. One member shall be the State
10 Fire Marshal or his or her designee. The Governor shall appoint the
11 remaining members of the committee as follows: One representative
12 from a major elevator manufacturing company; one representative
13 from an elevator servicing company; one representative who is a
14 building manager; one representative who is an elevator mechanic;
15 and one representative of the general public from each county that
16 has a population of more than one hundred thousand inhabitants. The
17 committee shall be appointed within ninety days after January 1,
18 2008.

19 (2) The members of the committee appointed by the
20 Governor shall serve for terms of three years, except that of
21 the initial members appointed, two shall serve for terms of one
22 year and three shall serve for terms of two years. The state
23 elevator inspector and the State Fire Marshal or his or her
24 designee shall serve continuously. The appointed members shall be
25 reimbursed for their actual and necessary expenses for service

1 on the committee as provided in sections 81-1174 to 81-1177. The
2 members of the committee shall elect a chairperson who shall be the
3 deciding vote in the event of a tie vote.

4 (3) The committee shall meet and organize within thirty
5 days after the appointment of the members. The committee shall meet
6 quarterly at a time and place to be fixed by the committee for the
7 consideration of code regulations and for the transaction of such
8 other business as properly comes before it. Special meetings may be
9 called by the chairperson or at the request of two or more members
10 of the committee. Any appointed committee member absent from three
11 consecutive meetings shall be dismissed.

12 Sec. 4. Section 48-2506, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 48-2506 (1) The Conveyance Inspection Fund is created.
15 The commissioner shall use the fund for the administration of the
16 Conveyance Safety Act. Fees collected in the administration of the
17 act shall be remitted to the State Treasurer for credit to the
18 fund and shall not lapse into the General Fund. On the operative
19 date of this act, all funds in the Elevator Inspection Fund shall
20 be transferred to the Conveyance Inspection Fund. Any money in
21 the fund available for investment shall be invested by the state
22 investment officer pursuant to the Nebraska Capital Expansion Act
23 and the Nebraska State Funds Investment Act.

24 (2) The commissioner shall, after a public hearing
25 conducted by the commissioner or his or her designee, establish a

1 reasonable schedule of fees for licenses, permits, certificates,
2 and inspections authorized under the Conveyance Safety Act. The
3 commissioner shall establish the fees at a level necessary to
4 meet the costs of administering the act. It is the intent of the
5 Legislature that, beginning in fiscal year 2008-09, the funding
6 for the administration of the act shall be entirely from cash
7 funds remitted to the Conveyance Inspection Fund. Inspection fee
8 schedules relating to the inspection of conveyances adopted by
9 the commissioner prior to the operative date of this act shall
10 continue to be effective until they are amended or repealed by the
11 commissioner.

12 Sec. 5. Section 48-2507, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 48-2507 (1) The Conveyance Safety Act applies to the
15 ~~design~~, construction, operation, inspection, testing, maintenance,
16 alteration, and repair of conveyances. Conveyances include the
17 following equipment, associated parts, and hoistways which are not
18 exempted under section 48-2508:

19 (a) Hoisting and lowering mechanisms equipped with a car
20 which moves between two or more landings. This equipment includes
21 elevators;

22 (b) Power driven stairways and walkways for carrying
23 persons between landings. This equipment includes:

24 (i) Escalators; and

25 (ii) Moving sidewalks; and

1 (c) Hoisting and lowering mechanisms equipped with a car,
2 which serves two or more landings and is restricted to the carrying
3 of material by its limited size or limited access to the car. This
4 equipment includes:

5 (i) Dumbwaiters;

6 (ii) Material lifts and dumbwaiters with automatic
7 transfer devices; and

8 (iii) Conveyors and related equipment within the scope of
9 American Society of Mechanical Engineers B20.1.

10 (2) The act applies to the ~~design~~ construction,
11 operation, inspection, maintenance, alteration, and repair of
12 automatic guided transit vehicles on guideways with an exclusive
13 right-of-way. This equipment includes automated people movers.

14 (3) The act applies to conveyances in private residences
15 located in counties that have a population of more than one hundred
16 thousand inhabitants at the time of installation. Such ~~and such~~
17 conveyances are subject to inspection at installation, but ~~and~~ are
18 not subject to periodic inspections.

19 Sec. 6. Section 48-2508, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 48-2508 The Conveyance Safety Act does not apply to:

22 (1) Conveyances under the jurisdiction and subject to
23 inspection by the United States Government;

24 (2) Conveyances used exclusively for agricultural
25 purposes;

- 1 (3) Personnel hoists within the scope of American
2 National Standards Institute A10.4;
- 3 (4) Material hoists within the scope of American National
4 Standards Institute A10.5;
- 5 (5) Manlifts within the scope of American Society of
6 Mechanical Engineers A90.1;
- 7 (6) Mobile scaffolds, towers, and platforms within the
8 scope of American National Standards Institute A92;
- 9 (7) Powered platforms and equipment for exterior and
10 interior maintenance within the scope of American National
11 Standards Institute 120.1;
- 12 (8) Cranes, derricks, hoists, hooks, jacks, and slings
13 within the scope of American Society of Mechanical Engineers B30;
- 14 (9) Industrial trucks within the scope of American
15 Society of Mechanical Engineers B56;
- 16 (10) Portable equipment, except for portable escalators
17 which are covered by American National Standards Institute A17.1;
- 18 (11) Tiering or piling machines used to move materials to
19 and from storage located and operating entirely within one story;
- 20 (12) Equipment for feeding or positioning materials at
21 machine tools, printing presses, and similar equipment;
- 22 (13) Skip or furnace hoists;
- 23 (14) Wharf ramps;
- 24 (15) Railroad car lifts or dumpers;
- 25 (16) Line jacks, false cars, shafters, moving platforms,

1 and similar equipment used for installing a conveyance by an
2 elevator contractor;

3 (17) Manlifts, hoists, or conveyances used in grain
4 elevators or feed mills;

5 (18) Dock levelators; ~~and~~

6 (19) Stairway chair lifts and platform lifts; and ~~and~~

7 (20) Conveyances in residences located in counties that
8 have a population of one hundred thousand or less inhabitants.

9 Sec. 7. Section 48-2512, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 48-2512 (1) No person shall wire, alter, replace, remove,
12 or dismantle an existing conveyance contained within a building
13 or structure located in a county that has a population of more
14 than one hundred thousand inhabitants unless such person is a
15 licensed elevator mechanic or he or she is working under the
16 direct supervision of a person who is a licensed elevator mechanic.
17 Neither a licensed elevator mechanic nor a licensed elevator
18 contractor is required to perform nonmechanical maintenance of
19 a conveyance. Neither a licensed elevator contractor nor a
20 licensed elevator mechanic is required for removing or dismantling
21 conveyances which are destroyed as a result of a complete
22 demolition of a secured building.

23 (2) It shall be the responsibility of licensed
24 elevator mechanics and licensed elevator contractors to ensure
25 that installation and service of a conveyance is performed in

1 compliance with applicable fire and safety codes. It shall be the
2 responsibility of the owner of the conveyance to ensure that the
3 conveyance is maintained in compliance with applicable fire and
4 safety codes.

5 (3) All new conveyance installations shall be performed
6 by a licensed elevator mechanic under the control of a licensed
7 elevator contractor or by a licensed elevator contractor.
8 Subsequent to installation, a licensed elevator contractor shall
9 certify compliance with the Conveyance Safety Act.

10 Sec. 8. This act becomes operative on January 1, 2008.

11 Sec. 9. Original sections 48-418, 48-2501, 48-2503,
12 48-2506, 48-2507, 48-2508, and 48-2512, Revised Statutes Cumulative
13 Supplement, 2006, are repealed.

14 Sec. 10. The following sections are outright repealed:
15 Sections 48-418.01, 48-418.02, 48-418.03, 48-418.05, 48-418.06,
16 48-418.07, 48-418.08, 48-418.10, 48-418.11, 48-418.12, and
17 48-418.14, Reissue Revised Statutes of Nebraska, and sections
18 48-418.04, 48-418.09, and 48-2505, Revised Statutes Cumulative
19 Supplement, 2006.